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19 REED, and COASTAL PROTECTION  
RANGERS, INC.  
20

21 **UNITED STATES DISTRICT COURT**

22 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

23 CORY SPENCER, an individual;  
24 DIANA MILENA REED, an  
individual; and COASTAL  
25 PROTECTION RANGERS, INC., a  
26 California non-profit public benefit  
corporation,

27  
28 Plaintiffs,

CASE NO. 2:16-cv-02129-SJO (RAOx)

**PLAINTIFFS' NOTICE OF MOTION  
AND MOTION TO RE-TAX COSTS**

1  
2 v.

3 LUNADA BAY BOYS; THE  
4 INDIVIDUAL MEMBERS OF THE  
5 LUNADA BAY BOYS, including but  
6 not limited to SANG LEE, BRANT  
7 BLAKEMAN, ALAN JOHNSTON  
8 AKA JALIAN JOHNSTON,  
9 MICHAEL RAE PAPAYANS,  
10 ANGELO FERRARA, FRANK  
11 FERRARA, CHARLIE FERRARA,  
and N. F.; CITY OF PALOS VERDES  
ESTATES; CHIEF OF POLICE JEFF  
KEPLEY, in his representative  
capacity; and DOES 1-10,

12 Defendants.  
13

Judge: Honorable S. James Otero  
Date: June 4, 2018  
Time: 10:00 a.m.  
Ctrm.: 10C

Complaint Filed: March 29, 2016

14 TO DEFENDANTS AND THEIR COUNSEL OF RECORD:

15 PLEASE TAKE NOTICE THAT on June 4, 2018, at 10:00 a.m., or as soon  
16 thereafter as counsel may be heard, in the courtroom of the Honorable S. James  
17 Otero, located in Courtroom 10C, United States Courthouse, 350 W. 1st Street, Los  
18 Angeles, CA 90012, Plaintiffs Cory Spencer, Diana Milena Reed, and the Coastal  
19 Protection Rangers ("Plaintiffs") will and hereby do move this Court pursuant to  
20 L.R. 54-8 to retax costs and award no costs to Defendants City of Palos Verdes  
21 Estates and Chief of Police Jeff Kepley, in his representative capacity.

22 This Motion is made on the grounds that costs should not be taxed against  
23 Plaintiffs in this civil rights action, because taxing costs will discourage future  
24 plaintiffs from pursuing civil rights claims and other claims to hold the government  
25 accountable. Moreover, substantial issues remain to be tried in the co-pending state  
26 court, and taxing costs is speculative and premature. The Coastal Act Claim,  
27 brought with the Section 1983 claims at the outset, has yet to be heard. Finally, the  
28

1 issues that were decided in litigation were close and hard-fought, causing the City to  
 2 take localism more seriously and pushing it to, among other things, remove the  
 3 illegal headquarters of the Lunada Bay Boys referred to in this case as the Rock  
 4 Fort.

5 This Motion is made following the conference of counsel pursuant to Local  
 6 Rule 7-3 which took place on April 30 and May 1.<sup>1</sup>

7 This Motion is based on this Notice of Motion, the attached Memorandum of  
 8 Points and Authorities, the Declaration of Russell C. Petersen with attached Exhibits  
 9 A-G, both filed concurrently herewith, all of the pleadings, files, and records in this  
 10 proceeding, all other matters of which the Court may take judicial notice, and any  
 11 argument or evidence that may be presented to or considered by the Court prior to  
 12 its ruling.

13  
 14 DATED: May 4, 2018

HANSON BRIDGETT LLP

15  
 16  
 17 By: /s/ Russell C. Petersen  
 18 RUSSELL C. PETERSEN  
 19 Attorney for Plaintiffs  
 20 CORY SPENCER, DIANA MILENA  
 21 REED, and COASTAL PROTECTION  
 22 RANGERS, INC.  
 23  
 24 \_\_\_\_\_

25 <sup>1</sup> On Friday, April 27, 2018, the clerk issued the taxation of costs. Under L.R. 54-8,  
 26 this motion was due within seven days. Within hours of receipt of the order,  
 27 Plaintiffs requested a meet and confer with the City Defendants. As noted above,  
 28 that meeting took place on the next two business days.